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## **NOTICE AND SUMMARY OF *EX PARTE* PRESENTATION**

February 18, 2005

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Portals II, Room TW-A325  
Washington, DC 20554

Re: Level 3 Communications LLC Petition for Forbearance Under 47 U.S.C. §160(c) from Enforcement of 47 U.S.C. §251(g), Rule 51.701(b)(1), and Rule 69.5(b), WC Docket No. 03-266

Dear Ms. Dortch:


On February 18, 2005, Jeff Lanning, and I, on behalf of the United States Telecom Association (USTA), along with three representatives from USTA member companies, met with Scott Bergmann, Legal Advisor to Commissioner Jonathan S. Adelstein, regarding the above-referenced matter. The representatives from USTA member companies were Kevin Albaugh with North Pittsburgh Telephone, Aubrey Judy, III with CT Communications Inc., and Glenn Rabin with ALLTEL Corp.

The purpose of this meeting was to urge the Commission to deny Level 3's Petition. The participants discussed: (1) the practical difficulty of identifying traffic from Voice over Internet Protocol providers, which makes implementation of Level 3's proposal costly and time consuming, and will encourage further gaming of the intercarrier compensation system; (2) the reasons the so-called rural carve-out in Level 3's petition would not work due to how local interconnection and transit service arrangements work between rural ILECs and neighboring large ILECs, leaving rural ILECs unable to collect access charges; (3) the asymmetrical treatment under Level 3's petition of calls originating on the PSTN and terminating on VoIP networks, which will still generate terminating access charges, compared with the proposed treatment of calls originating on VoIP networks and terminating on the PSTN, which would not generate terminating access charges; (4) the ways in which Level 3's petition is a misuse of the forbearance process because it requires substantial additional rulemaking to implement and it actually seeks imposition of one price (reciprocal compensation) for another price (access charges), which is a regulatory change not a forbearance from regulation; and (5) how Level 3's proposal would negatively impact broadband deployment, particularly in rural areas.

In accordance with Section 1.1206(b)(2) of the Commission's rules, this letter is being filed electronically with your office.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Olson". The signature is fluid and cursive, with the first name "James" and last name "Olson" clearly distinguishable.

James W. Olson  
Vice President and General Counsel

cc: Scott Bergmann